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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14
15
16 OPEN TEXT S.A.,

17 Plaintiff,

18 v.

19 ALFRESCO SOFTWARE LTD.; et al.,

20 Defendants.

Case No. C 13-04843-JD

**NOTICE OF MOTION AND MOTION
TO DISMISS DEFENDANTS
ALFRESCO SOFTWARE, LTD.,
ALFRESCO SOFTWARE, INC., AND
CARAHSOFT TECHNOLOGY
CORPORATION IN CASE NO. 13-
4843-JD**

Date: November 5, 2014
Time: 9:30 a.m.

DEMAND FOR JURY TRIAL

1 **NOTICE OF MOTION AND MOTION TO DISMISS**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on November 5, at 9:30 a.m., before the Honorable James
4 Donato of the United States District Court for the Northern District of California, Plaintiff Open
5 Text S.A. will move the Court, pursuant to Rule 41 of the Federal Rules of Civil Procedures, to
6 dismiss the claims in Case No. 13-cv-04843-JD.

7 Plaintiff Open Text S.A. requests the Court dismiss all claims and defenses in Case No.
8 13-cv-04843-JD and additional relief, as set out more fully below and in the attached Proposed
9 Order, as a result of settlement of the claims and defenses in Case No. 13-cv-04843-JD between
10 Plaintiff Open Text S.A. and Defendants Alfresco Software Ltd., Alfresco Software, Inc., and
11 Carahsoft Technology Corp.

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 Plaintiff Open Text S.A. and Defendants Alfresco Software Ltd., Alfresco Software, Inc.,
14 and Carahsoft Technology Corp. have reached a mediated settlement with regard to the claims
15 and defenses in Case No. 13-cv-04843-JD.

16 Therefore, pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff Open
17 Text S.A. moves to dismiss all claims against Defendants Alfresco Software Ltd. and Alfresco
18 Software, Inc. with prejudice.

19 Further in Case No. 13-cv-04843-JD only, Plaintiff Open Text S.A. moves to dismiss its
20 claims against Defendant Carahsoft Technology Corp. with prejudice. Carahsoft Technology
21 Corporation remains a defendant in Case No. 13-cv-04910-JD, along with Box, Inc.

22 Each side will bear its own costs and expenses, including attorneys' fees, incurred in
23 connection with the action.

24 Plaintiff Open Text S.A. also requests that Case No. 13-cv-04843-JD be closed and that
25 the caption in the case involving remaining Defendants Box, Inc. and Carahsoft Technology
26 Corporation revert to its originally-assigned caption:

27 *Open Text S.A. v. Box, Inc., et al.*, Case No. 13-cv-04910-JD.

28

1 Dated: October 1, 2014

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3 s/ Sarah J. Guske

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